

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

GALEN ELI GEORGE,
Plaintiff,

v.

WASHINGTON STATE,
Defendant.

Case No. C04-5774RBL

ORDER GRANTING
PLAINTIFF'S MOTION FOR
EXTENSION OF TIME

This matter has been referred to Magistrate Judge Karen L. Strombom pursuant to 28 U.S.C. § 636(b)(1), Local Magistrates Rules MJR 3 and 4, and Rule 72 of the Federal Rules of Civil Procedure. The case is before the Court on plaintiff's filing of a motion for extension of time (Dkt. #25) to respond to the court's order to show cause (Dkt. #24). After reviewing plaintiff's motion and the balance of the record, the Court finds and orders as follows:

On May 10, 2005, the court ordered plaintiff to file an amended complaint or show cause why this matter should not be dismissed. Specifically, the court found plaintiff's complaint to be deficient for the following reasons: (1) plaintiff's claim may be considered only in a petition for writ of *habeas corpus*; and (2) plaintiff's claim against the named defendant is barred by the Eleventh Amendment. In addition, the


1 court informed plaintiff that because this court is the wrong venue in which to challenge the validity or
2 duration of his conviction and sentence, should he choose to file a petition for writ of *habeas corpus*, he
3 should do so with the United States District Court for the Eastern District of Washington.

4 Plaintiff requests an extension of time to respond to the court's order to show cause, claiming that
5 he has not received the proper complaint forms from the clerk. He requests that the forms be sent again
6 and that he be granted the extension so that he has a sufficient amount of time in which to respond to the
7 order to show cause. The court will grant plaintiff a thirty (30) day extension of time in which to do so.
8 Plaintiff is warned, however, that should he fail to so respond by the date set forth below, the court will
9 recommend dismissal of this matter.

10 Accordingly, plaintiff's motion for an extension of time (Dkt. #25) is GRANTED. Plaintiff shall
11 respond to the court's order to show cause (Dkt. #24) as stated therein, by **no later than July 14, 2005**.

12 The Clerk is directed to send plaintiff the appropriate forms so that he may file an amended
13 complaint. The Clerk is further directed to send a copy of this Order to plaintiff.

14 DATED this 14th day of June, 2005.

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18 Karen L. Strombom
19 United States Magistrate Judge
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